

FINAL ENVIRONMENTAL ASSESSMENT

ORNI 43 LLC, Ormat

Tungsten Mountain Solar Project

Decision Record

DOI-BLM-NV-C010-2018-0028-EA

December 2018



It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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**DECISION RECORD
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TUNGSTEN MOUNTAIN SOLAR PROJECT**

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INTRODUCTION/BACKGROUND

In 2008, Ormat began obtaining federal geothermal leases in the Tungsten Mountain area of Edwards Creek Valley in Churchill County, Nevada. These leases were combined into geothermal unit NVN-088836X in 2010. Subsequent geothermal exploration identified a geothermal resource capable of supporting commercial utilization. On March 25, 2016 the Finding of No Significant Impact and Decision Record for the Tungsten Mountain Geothermal Development Project EA (DOI-NV-BLM-C010-2016-0016-EA) was signed leading to Ormat's construction and operation of the Tungsten Mountain geothermal power plant which went on-line in December 2017. To the extent applicable, the applicant committed adopted protection measures, mitigation measures, and required design features developed for the Tungsten Mountain Geothermal Development EA have been incorporated into this Tungsten Mountain Solar Project EA (see Appendix B).

Through the Tungsten Mountain Solar Project Ormat would construct and operate a photovoltaic (PV) solar array to help meet the "parasitic" power demands of the Tungsten Mountain geothermal power plant and its supporting well field. The electricity generated by the solar array would be used to maximize the amount of geothermally generated electricity available to the electrical grid. The Tungsten Mountain Solar Project consists of two phases each comprising the installation and operation of a 9 megawatt (MW) solar array occupying approximately 65 acres. The total surface disturbance when both phases are completed would be 130 acres.

PUBLIC INVOLVEMENT

The EA was scoped internally by Bureau of Land Management (BLM) resource specialists in April 2018. BLM resources specialists identified the supplemental authorities and other resource uses to be addressed in the EA. The EA was also scoped externally by BLM Archaeologist to the Yomba Shoshone Tribe regarding the possibility of Native American Religious Concerns or other impacts that could result from the Proposed Action. This scoping took the form of a letter sent to the Tribal Chairman, on May 17, 2018, including a description of the Project, a map of the Project location, and an invitation for comments or feedback regarding the Project. Additionally, consultation with the Fallon Paiute-Shoshone Tribe is ongoing, but no traditional cultural properties or sacred sites have been identified with the Project Area. This scoping process is detailed in Section 3.3.1 of the Final EA (Native American Religious Concerns).

The following specific issues and resources in relation to the Proposed Action were identified as present/potentially affected and carried forward for analysis in the EA: Air Quality, Migratory Birds, Noxious and Invasive, Non-native Species, BLM Sensitive Species – Plant and Wildlife, General Wildlife, Livestock Grazing, Socioeconomics, and Soils.

The EA was made available for a 15-day public review and comment period on November 29, 2018 until December 14, 2018. The EA was made available by hard copy at the Carson City

District Office and electronically on the project webpage at: <https://go.usa.gov/xPFez>. A notification of the availability of the EA was sent via email and hard copy letter to interested parties including the State Clearinghouse who shared with 95 additional Federal, State, and Local Government agencies. Additionally a notification was posted in local media outlets during the comment period.

Consultation with the tribe is ongoing but to date no traditional cultural properties or sacred sites have been identified within the Project Area. If ongoing consultation identifies locations or concerns, these would be reviewed, and as appropriate and necessary, additional monitoring and mitigation measures would be developed.

During the comment period, one comment was received from the Fallon Naval Air Station requesting a glint and glare study to analyze possible impacts to military operations and safety of aircrews.

DECISION

Based on the analysis in the Tungsten Mountain Solar Project, EA# DOI-BLM-NV-C010-2018-0028-EA, and after carefully considering the comments and input received during scoping the public comment period, it is my decision to:

- 1. Implement the Proposed Action as described in the EA with approved adopted protection measures, mitigation measures, and required design features developed for the Tungsten Mountain Geothermal Development EA found in Appendix B and the developed adopted protection measures located in section 2.1.7 of this EA.**

The Proposed Project includes the construction, in two phases, of a PV solar array providing up to 18 MW of electrical power for use at the adjacent Tungsten Mountain Geothermal power plant. The generated electricity would be used solely at the power plant to serve some, or all, of its parasitic power load. The Proposed Project is not considered a commercial or industrial scale facility as none of the generated power would be sold to the electrical grid. A transmission line, approximately 0.4 miles in length, would connect the PV solar array to the existing power plant. When both phases of the Proposed Project are completed the PV solar array will cover approximately 130 acres.

To reduce or eliminate impacts to resources Ormat will institute the Adopted Protection Measures found in section 2.1.7 of the EA and the applicable Applicant Committed Adopted Protection Measures, Mitigation Measures, and Required Design Features found in Appendices B and D of the EA.

Before development, Ormat would ensure the Bird and Bat Conservation Strategy, as amended, and the Weeds Abatement Plan including salt cedar treatment details are in place and implemented.

2. Conditions of Approval:

The Adopted Protection Measures found in section 2.1.7 of the EA and the Required Design Features in Appendix D along with the applicable measures from the Tungsten Mountain

Geothermal Development EA in Appendix B are Conditions of Approval (COAs) that will be applied to the Proposed Action. These Appendices are attached to this Decision Record.

RATIONALE

The rationale for the attached FONSI supports this decision. The Proposed Action as described in Chapter 2 of the EA coupled with the, Adopted Protection Measures built into the Proposed Action, the Required Design Features in Appendix D and the applicable Tungsten Mountain Geothermal Development EA Applicant Committed Adopted Protection Measures, Mitigation Measures, and Required Design Features (as detailed in Appendix B of the EA) have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not result. This decision is consistent with the 2001 Carson City Field Office Consolidated Resource Management Plan (CRMP).

Upon analyzing the impacts of the Proposed Action and following issuance of the EA for public review, I have determined that implementing the Proposed Action as described in Chapter 2 of the EA with the Adopted Protection Measures, Mitigation Measures, Required Design Features, and the COAs described above will not have a significant impact to the human environment and that an EIS is not required. Refer to the attached FONSI.

AUTHORITY

The Proposed Action is in conformance with the FLPMA of 1976, the CRMP adopted in 2001, the regulations at 43 CFR §3200, and with current BLM policies, plans and programs. The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, County, State, Tribal governments and other Federal agencies.

In addition, the Proposed Action described below is in conformance with the BLM CRMP, approved May 11, 2001. The Proposed Action is in conformance with the CRMP because it is specifically provided for as follows:

- Page # MIN-1, RMP Level Decisions, Desired Outcomes 1: encourage development of energy and mineral resources in a timely manner to meet national, regional and local needs consistent with the objectives for other public land uses), and
- Page # MIN-5, Standard Operating Procedures: Leasable Minerals, 5: oil, gas and geothermal exploration and production upon BLM land are conducted through leases with the Bureau and are subject to terms and stipulations to comply with all applicable federal and state laws pertaining to various considerations for sanitation, water quality, wildlife, safety, and reclamation. Stipulations may be site specific and are derived from the environmental analysis process.

APPROVAL

The Tungsten Mountain Solar Project as described in EA# DOI-BLM-NV-C010-2018-0028-EA is approved as described above for implementation with incorporation of the adopted protection measures built into the Proposed Action (see Section 2.1.7) and the applicant committed adopted protection measures, mitigation measures, and required design features from the Tungsten Mountain Geothermal Development EA (see Appendices B and D) identified in this decision. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at §3200.

This Decision is in conformance with the National Environmental Policy Act of 1969 (P.L. 91-190) as amended (72 USC 4321 et.seq.); the Carson City Consolidated Resource Management Plan of 2001, the regulations at 43 CFR §3200, and with current BLM policies, plans and programs.



Kenneth R. Collum
Field Manager
Stillwater Field Office



Date

APPEAL PROCEDURES

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Kenneth R. Collum, Stillwater Field Manager
BLM, Carson City District Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.